



UNITED STATES PATENT AND TRADEMARK OFFICE

Technology center 1700.

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In re application of :
Jean-Charles J.C. Cotteverte et al. : DECISION ON
Serial No. 09/729,882 : PETITION
Filed: December 05, 2000 :
For: METHOD OF MAKING AN INTEGRATED OPTICAL CIRCUIT :

This is a response to the "CONSIDERATION TO WITHDRAWAL HOLDING OF ABANDONMENT UNDER 37 CFR 1.181", filed March 19, 2004. The request asks that the abandonment, as set forth in the Notice of Abandonment of March 10, 2004, for failure to timely file a proper response to the Office letter dated March 20, 2003 be withdrawn. The requester asserts that applicants timely filed a Notice of Appeal on June 18, 2003 and Appeal Brief on August 13, 2003.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee).

A review of the petitioner's evidence provided with the instant petition indicates that the request has merit. The evidence presented is sufficient to establish that the applicants did file the proper response to the Office letter of March 20, 2003 in a timely manner. The evidence provided includes : 1) a copy of Notice to Appeal sent by Facsimile as evidenced by the Auto-Reply Facsimiled Transmission indicating receipt of the Notice of Appeal by the USPTO on June 18, 2003 (Exhibit 4); and 2) a copy of Appeal Brief with an executed Certificate of Express Mail dated August 13, 2003 as evidenced by the returned stamped postcard confirming receipt of the Appeal Brief by the USPTO dated August 13, 2003 (Exhibit 5).

Therefore, the abandonment dated March 10, 2004 was in error. A review of the instant application file indicates that this error was administrately corrected via



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Notice of Rescinded Abandonment dated June 02, 2004. Therefore, no further action is required.

The Petition is **DISMISSED**.

J. Stone

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